

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

TORETTO MICHAEL REDHORSE,
Defendant.

MEMORANDUM DECISION AND
ORDER

Case No. 2:16-CR-00011-TC

Judge Tena Campbell

On May 17, 2017, the court found Defendant Toretto Michael Redhorse incompetent to stand trial and committed him to the custody of the Attorney General. The court ordered the attorney general to submit status reports regarding Mr. Redhorse's mental health.

The initial commitment of a person deemed incompetent to stand trial shall be only for "a reasonable period of time, not to exceed four months, as is

necessary to determine whether there is a substantial probability that in the foreseeable future” he will be restored to competency. 18 U.S.C. § 4241(d)(1).

Mr. Redhorse has been in the custody of the attorney general for more than two months. The court has received and reviewed two status reports regarding Mr. Redhorse’s current mental health. The status reports provide little information and do not help the court in determining whether Mr. Redhorse is now competent nor whether he will attain competency in the foreseeable future. Accordingly, the court finds that an evidentiary hearing is necessary to determine whether Mr. Redhorse is competent to stand trial or “whether there is a substantial probability that in the foreseeable future [Mr. Redhorse] will attain the capacity to permit the proceedings to go forward.” Id.

For these reasons, the court ORDERS as follows:

- 1) The Attorney General or his designee shall file a detailed report with the court by September 15, 2017. The report shall provide an opinion as to whether Mr. Redhorse is now competent to stand trial or whether a substantial probability exists that in the foreseeable future he will attain competency. The report shall also explain the treatment Mr. Redhorse has undergone and the basis for the opinion as to his competency.

- 2) Within ten days of the Attorney General's filing of the detailed report, Dr. Angela Eastvold shall be allowed to visit and evaluate Mr. Redhorse.
- 3) An evidentiary hearing is scheduled for October 4, 2017, at 10:00 AM. The parties should be prepared to present evidence at this hearing regarding Mr. Redhorses current competency or the likelihood that he will attain competency in the foreseeable future.
- 4) In case the court determines that Mr. Redhorse is not competent and will not likely attain competency in the foreseeable future, the government should be prepared to file any certificates it deems necessary under 18 U.S.C. § 4248 or 18 U.S.C. § 4246.

DATED this 9th day of August, 2017.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
U.S. District Court Judge